

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 4, 8, and 12 are currently being amended. No new matter has been added. After amending the claims as set forth above, Claims 1, 2, 4-10, and 12 are now pending in this application.

Claim Rejections – 35 U.S.C. § 103

Claims 1, 2, and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Krabatsch et al. (European Patent No. DE 33 30 823 A1). Claims 4-7 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Krabatsch et al. in view of Spaziante et al. (U.S. Patent No. 4,201,647). Claims 8 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Krabatsch et al. in view of Richter et al. (U.S. Patent No. 6,733,921). These rejections should be withdrawn, because the cited references fail to teach or suggest at least one limitation in each of the rejected claims.

None of the cited references, whether taken alone or in proper combination, teaches or suggests a “splash basket” that includes a “plurality of plates defining slots . . . wherein each of the plurality of plates includes a free end extending toward the free end of the splash basket,” as recited in each of amended Claims 1, 4, 8, and 12.

Krabatsch et al. shows a member 11 having circumferential slots that are bounded at one end by another member 24, which is shown in the Figure to be a ring-like member. In contrast, the rejected claims each recites “a plurality of plates [each including] a free end extending toward the free end of the splash basket.”

Spaziante et al. discloses a “measuring electrode” for determining the state of charge of a lead acid battery by measuring acid concentrations. Col. 4, lines 58-68. Spaziante et al. does not disclose a “splash basket,” much less a slash basket that includes a “plurality of plates defining slots . . . wherein each of the plurality of plates includes a free end extending toward the free end of the splash basket.”

Richter et al. discloses a "rechargeable electric battery" that includes a "splash basket 5 which projects into the cell and prevents acid splashes entering the interior of the plug." Col. 4, lines 25-28. However, Richter et al. does not disclose a splash bucket having a "plurality of plates defining slots . . . wherein each of the plurality of plates includes a free end extending toward the free end of the splash basket."

The Examiner has cited no teaching in the art of record of a "splash basket" that includes a "plurality of plates defining slots . . . wherein each of the plurality of plates includes a free end extending toward the free end of the splash basket," as recited in amended Claims 1, 4, 8, and 12. The Examiner's failure to provide a citation to the art of record is not surprising, because the only evidence in the record of a teaching of such a feature is contained in the present application. Of course, any reliance on the present application would constitute impermissible hindsight reasoning.

Independent Claims 1, 4, 8, and 12 are allowable over the cited references, whether taken alone or in proper combination, because at least one limitation in each of the rejected claims is not taught or suggested by the cited references. Withdrawal of the rejections of independent Claims 1, 4, 8, and 12 is respectfully requested.

Dependent Claims 2, 5-7, 9, and 10 variously depend from independent Claims 1, 4, and 8, and are allowable therewith for at least those reasons set forth above, without regard to the further patentable limitations set forth in such claims. Reconsideration and withdrawal of the rejections of Claims 2, 5-7, 9, and 10 is respectfully requested.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a

check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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